IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 39408 of 2003(N)

PETITIONER:

A.JALALUDEEN KUTTY,
(SUPER ANNUATION AS PRINCIPAL AGRICULTURAL OFFICE, KAYAMKULAM), S/O. ALIYARU KUNNU,
(RETIRED JOINT DIRECTOR) ANUGRAHA, KALLUMOOD, KAYAMKULAM.

BY ADV. SRI.RASHEED C.NOORANAD,
SRI.G.GOPAKUMAR (CHERTHALA).

RESPONDENTS:
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1. **DIRECTOR OF AGRICULTURE, THIRUVANANTHAPURAM.**
2. **JOINT DIRECTOR, AGRICULTURAL DEPARTMENT, ALAPPUZHA.**
3. **ACCOUNTANT GENERAL (A&E) KERALA, THIRUVANANTHAPURAM.**
4. **SUB TREASURY OFFICER, SUB TREASURY, KAYAMKULAM.**

BY GOVERNMENT PLEADER SRI. BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.39408/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER DTD. 01/11/2000 SENT BY THE R.3. TO THIS PETITIONER.

EXT.P.2: COPY OF THE GRATUITY PAYMENT ORDER DTD. 12/10/02.

EXT.P.3: COPY OF THE GRATUITY PAYMENT ORDER DTD. 18/06/03.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 03/11/03, SENT BY THE PETITIONER TO THE R.1.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.39408 of 2003

Dated this the 16th day of March, 2007

JUDGMENT

Petitioner retired from service on 31-10-2000. He is aggrieved since the DCRG in full has not been disbursed. Since there is no fixation of any liability within three years of retirement, it is submitted that he is entitled to the full amount. There is no counter affidavit. In case no liability has been fixed so as to withhold or recover any amount from the DCRG within three years of retirement, there cannot be any recovery from the DCRG. That is a well settled position. Therefore, this writ petition is disposed of directing the respondents to disburse the full DCRG to the petitioner in case there is no fixation of liability within a period of three years of retirement. The needful shall be done within a period of three months from the date of production of a copy of the judgment. The question of interest is left open.

(KURIAN JOSEPH, JUDGE)

ahg.